

GP/1632/18  
CASE S-31514A

copy # 4

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Box: Missing Parts, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Melissa Hardy  
Type or print name

*Melissa Hardy*  
Signature

January 15, 2002  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ART UNIT: 1632

RECEIVED

Zhong ET AL.

FEB 04 2002

APPLICATION NO: 09/928,614

CONFIRMATION NO.: 7523

TECH CENTER 1600/2900

FILED: August 13, 2001

FOR: METHODS FOR STABLE TRANSFORMATION OF PLANTS

Box: Missing Parts  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

COMMUNICATION REGARDING RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

This submission is a follow up to the Response to The Notice to File Missing Parts of NonProvisional Application - Filing Date Granted, mailed September 27, 2001 ("Notice"), which was filed on December 14, 2001. On December 14, 2001, Applicants submitted the following:

1. Copy of the Notice;
2. Response to the Notice along with Declarations and Powers of Attorney for the named inventors.
3. Petition for Extension of Time (One month);
4. Fee Transmittal for FY 2002;
5. Credit Card Payment form.

Although the copy of the Notice, the declarations and the powers of attorney recite the correct Application Number, i.e. 09/928,614, the other papers (namely, the Response, Petition for Extension of Time, Fee Transmittal, and Credit Card Payment) form incorrectly recite Application Number 09/935,943. The error was inadvertent. The papers should have recited Application Number 09/928,614. Applicants hereby request entry of the aforementioned papers into the record for Application Number 09/928,614. The undersigned notified the Office of the inadvertent error on December 31, 2001, at which time the Office indicated that the papers would be matched with the appropriate file.

As follow-up to the telephone conference, Applicants submit herewith the corrected versions of the papers (namely, the Response, Petition for Extension of Time, Fee Transmittal, and Credit Card Payment form), as well as copies of the as-filed declarations and powers of attorney, and request entry of these papers into the record of Application No. 09/928,614. The undersigned thanks the Office for the telephone consultation and guidance regarding this matter. If any additional information is needed, the Office is invited to contact the undersigned at the telephone number provided below.

It is not believed that any further extension of time is required, as the initial response was fully responsive to the Notice. However, if the Office believes that an extension of time is required, such an extension is hereby requested, and the Commissioner is hereby authorized to charge any additional fees under 37 CFR § 1.17 which may be required, or credit any overpayment, to Account No. 50-1744 in the name of Syngenta Biotechnology, Inc. If there are any additional fees required for maintaining the pendency of this application, the Commissioner is also authorized to charge such fees to Account No. 50-1744.

Respectfully submitted,

Syngenta Biotechnology, Inc.  
Patent Department  
P.O. Box 12257  
Research Triangle Park, NC 27709-2257  
Phone: 919-541-8566  
Date: January 15, 2002



Marcia R. Morton  
Attorney for Applicants  
Reg. No. 46,942



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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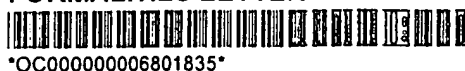
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/928,614	08/13/2001	Heng Zhong	S-31514A

022847  
SYNGENTA BIOTECHNOLOGY, INC.  
PATENT DEPARTMENT  
3054 CORNWALLIS ROAD  
P.O. BOX 12257  
RESEARCH TRIANGLE PARK, NC 27709-2257



CONFIRMATION NO. 7523

## FORMALITIES LETTER



\*OC000000006801835\*

Date Mailed: 09/27/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

RECEIVED

FEB 04 2002

FILED UNDER 37 CFR 1.53(b)

TECH CENTER 1600/2900

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/25/2002 AMABI1 00000001 09928614

01 FC:105

130.00 OP

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Melissa Hardy  
Type or print name

*Melissa Hardy*  
Signature

January 15, 2002  
Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
Zhong ET AL.



ART UNIT: 1632

APPLICATION NO: 09/928,614

CONFIRMATION NO.: 7523

FILED: August 13, 2001

FOR: METHODS FOR STABLE TRANSFORMATION OF PLANTS

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FEB 04 2002

TECH CENTER 1600/2900

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P.O. Box 2327  
Arlington, VA 22202

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

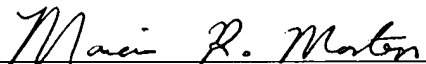
The Notice to File Missing Parts of NonProvisional Application - Filing Date Granted, mailed September 27, 2001 (a copy of which is enclosed) has a shortened statutory time set to expire on November 27, 2001. Enclosed herewith is a request for a one-month extension of time to extend the time for responding to December 27, 2001. Also enclosed is authorization to charge the fee of \$110 for the extension to Applicants credit card.

In response to the Notice, Applicants submit an original or copy of a fully executed Declaration and Power of Attorney for each named inventor. Please charge Applicants' Credit Card in the amount of \$130. A Credit Card Payment Form is enclosed for fee purposes.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Respectfully submitted,

Syngenta Biotechnology, Inc.  
Patent Department  
P.O. Box 12257  
Research Triangle Park, NC 27709-2257

  
\_\_\_\_\_  
Marcia R. Morton  
Attorney for Applicants  
Reg. No. 46,942  
Phone: 919-541-8566

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$240.00)**Complete if Known** *MBDA 1/15/02*

Application Number	09/935,943-09/928,614
Filing Date	August 13, 2001
First Named Inventor	Zhong
Examiner Name	Not Yet Assigned
Group Art Unit	1632
Attorney Docket No.	S-31514A

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
Deposit Account Name

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)** (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent		-20** =		X		=	
Multiple Dependent		-3** =		X		=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)** (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	110.00
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$240.00)**SUBMITTED BY**

Name (Print Type) Marcia Morton

Signature

*Marcia R. Morton*Registration No.  
(Attorney/Agent)

46,942

**Complete (if applicable)**

Telephone

919-541-8566

Date

12/14/01

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.